

PRESIDENT: We go now to the special order, criminal code, LB 38.

CLERK: Mr. President, we had acted on two substitute motions offered by Senator Chambers to those found on page 733 of the Journal. There are two more amendments by Senator Chambers also found in the Journal. I don't always know in what order they appear in the bill, but on page 733, Senator Chambers has an amendment as amendment #4, on page 30, strike lines 7 to 12.

PRESIDENT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I offered an amendment this morning and it has been delivered to all of the members' desks and I would take it at this point because it is on page 27. The others are beyond page 27 and there is a copy of the amendment on the desk of all the members and it relates to section 45 on page 27. Would it be clear and intelligible if we took it at this point?

PRESIDENT: Senator Chambers, excuse us. We would like to figure out some way to label this so that we can keep them separate. Senator Chambers, our records indicate that we have disposed of five amendments of yours. For purposes of the records and discussion, we will refer to this as the Chambers amendment #6, then. Now, would the Clerk read it please.

CLERK: His amendment is as follows: Read. (See page 824, Journal.)

SENATOR CHAMBERS: Yes. Members of the Legislature, this would be section 45 on page 27. It would begin at line 20, and the reason I wrote the amendment out in the form that it would take, if adopted, so that there would be no confusion as to what the language of the amendment is, and I want to make clear what the intent and purpose of the amendment are. The intent of this amendment is to recognize what the Legislature has done in section 44 by limiting the time that an abortion can occur after viability to those circumstances where the life or health of the mother are in imminent peril of being endangered. Currently the law would say that if a doctor performed an act which is legal and a certain result occurred, he would be guilty of a felony which would mean that a non-negligent, nonintentional act would be considered a crime in this provision and I think it is unconstitutional. What I was told by certain members, including Senator Dworak, if he is here, their concern was that a viable child might deliberately have its life snuffed out after emerging from the mother's body. If that is genuinely what the concern is, and not an attempt by subterfuge to prohibit an abortion at this point, this amendment that I am offering will do that. Because it says, the amendment is stated in the negative, "no abortion procedure". If we make it an affirmative statement it says that if a doctor intentionally terminates the life of a child aborted alive with a chance of survival, then that doctor is guilty of a felony and I think that ought to be the case. The current language is designed to prevent and make it a